

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER JASON HELFRICH,

Case No. 2:23-cv-00570-RFB-NJK

Petitioner,

DISMISSAL ORDER

V.

BRIAN WILLIAMS, et al.,

Respondents.

8 Pro se Petitioner Peter Jason Helfrich filed a Petition for Writ of Habeas Corpus under 28
9 U.S.C. § 2254. (ECF No. 1-3 (“Petition)). On initial review of the Petition under the Rules
10 Governing Section 2254 Cases (“Habeas Rules”) conducted on June 20, 2023, this Court ordered
11 Helfrich to show cause within 45 days why his Petition should not be dismissed as untimely and/or
12 wholly unexhausted. (ECF No. 38). Helfrich was warned that if he (1) did not timely respond to
13 this order, or (2) responded but failed to show with specific, detailed, and competent evidence why
14 the Petition should not be dismissed, the Petition would be dismissed without further advance
15 notice. Id. Helfrich’s 45-day deadline expired on August 4, 2023.

16 Since June 20, 2023, Helfrich has filed the following: (1) “Judicial Notice of . . . order
17 appointing David Neely . . . [and] notice that [he] filed a Nevada bar complaint [against] Neely,”
18 (2) motion for recusal, (3) “notice to principals,” (4) affidavit of service, (5) notice of service of
19 exhibit A, (6) notice of attempt to serve exhibit A by USPS mail, (7) notice of service of exhibit
20 A, and (8) notice of attempt to serve exhibit A via USPS mail. (ECF Nos. 39, 40, 41, 42, 43, 44,
21 45, 46). However, none of these filings address the order to show cause. Accordingly, based on
22 this Court’s June 20, 2023, order (ECF No. 38) and Helfrich’s failure to show why his Petition
23 should not be dismissed as timely and unexhausted, this Court dismisses the Petition.

1 IT IS THEREFORE ORDERED that Petitioner Peter Jason Helfrich's Petition for Writ of
2 Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-3) is **DISMISSED**. A certificate of
3 appealability is denied as reasonable jurists would not find the dismissal of the Petition to be
4 debatable or wrong for the reasons discussed herein.

5 IT IS FURTHER ORDERED that Helfrich's motion for appointment of counsel (ECF No.
6 1-2), motion for recusal (ECF No. 40), and other motion (ECF No. 41) are denied in light of this
7 dismissal order.

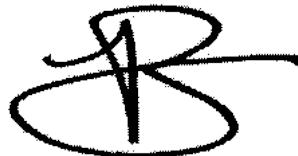
8 IT IS FURTHER ORDERED that the Clerk of Court is instructed to add Nevada Attorney
9 General Aaron D. Ford as counsel for Respondents. No response is required from Respondents
10 other than to respond to any orders of a reviewing court.

11 IT IS FURTHER ORDERED that pursuant to Rule 4 of the Rules Governing Section 2254
12 Cases, the Clerk of Court will file the Petition (ECF No. 1-3) and informally serve the Nevada
13 Attorney General with the Petition (1-3), this order, and all other filings in this matter by sending
14 a notice of electronic filing to the Nevada Attorney General's office.

15 IT IS FURTHER ORDERED that the Clerk of Court is instructed to enter final judgment
16 accordingly and close this case.

17 DATED THIS 15th day of August 2023.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT